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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,786	04/21/2006	Benoit Fecamp	154548/0341-071	5922
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Potomac Patent Group PLLC P.O. Box 270 Fredericksburg, VA 22404				
EXAMINER				
SUERETH, SARAH ELIZABETH				
ART UNIT		PAPER NUMBER		
3749				
NOTIFICATION DATE		DELIVERY MODE		
12/23/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/576,786

Applicant(s)

FECAMP ET AL.

Examiner

SARAH SUERETH

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/30/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/30/10 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Critchley (6658856) in view of Maus et al (5428956).

4. Critchley discloses: an acquisition device/sensor configured to sense a temperature at the outlet of the combustion chamber (col. 4, lines 29-33), an electronic data processor (col. 4 line 33, "controller") running a control program including a database of predefined values(col. 4, lines 31-33); a fuel line (62), an air valve (54), said processor using signals from the sensor(s) to regulate the opening of the air valve (col. 4, lines 31-34). Figure 3 shows the air valves connected as claimed to a first section

(61) of the combustion chamber, in fluid communication with the outlet of the combustion chamber (64). The air flow (56) is diverted outside of the combustion chamber as claimed (Fig. 3).

5. Regarding claim 2, there is a temperature sensor (col. 4, lines 29-33).

6. Critchley, as discussed above, discloses the invention as claimed with the exception of showing one instead of three temperature sensors, and not explicitly teaching a fuel valve or adjusting a fuel valve.

7. Maus shows a similar device including three temperature sensors (4,5 and 6) arranged as claimed inside the combustion chamber (1). Maus shows one embodiment using three sensors (Figure 1), and another embodiment with two sensors (Figure 2). Maus teaches that the additional sensor results in a better temperature reading for the middle of the catalyst (col. 9 lines 4-8).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Critchley apparatus to include three sets of temperature sensors as shown by Maus, in order to obtain a more accurate catalyst temperature reading (col. 9, lines 4-8).

9. Maus also discloses that the controller preferably controls the amount of fuel flowing into the combustion chamber (col. 8, lines 42-45), which is regarded to suggest the limitation of the controller controlling a fuel valve of some type.

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Critchley apparatus to allow the controller to adjust the fuel flow in order to easily adjust the fuel/air flow into the burner.

11. As discussed above in the drawing objection, applicant's Figures appear to show three temperature sensors (60,61 and 62), not three "sets" of sensors.

However, the courts have held that duplication of parts for amplified effect does not distinguish over the prior art, unless a new and unexpected result is produced (In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) , also MPEP 2144.04).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Critchley apparatus by inserting a plurality of temperature sensors in each location, in order to increase the number of data points obtained.

12. Regarding claims 11-13, Maus shows the three sensors in three areas of the combustion chamber as claimed.

13. Regarding claims 7 and 8, Critchley discloses the inlet of the system is joined to a compressor (50), and the outlet is a gas turbine (68).

14. Regarding claims 9 and 10, Critchley does not disclose that the fuel ducts are arranged as claimed, or that there are multiple fuel ducts.

15. Maus discloses multiple fuel inlets (Figure 1, fuel pump 9 supplies four separate fuel inlets) leading into the combustion chamber (2).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Critchley apparatus with the multiple fuel ducts as taught by Maus, in order to use a conventional fuel injecting structure.

17. Regarding claims 6 and 17, Critchley does not disclose pressure sensors. Critchley discloses the inlet of the system is joined to a compressor (50), and the outlet is a gas turbine (68).
18. Maus discloses that it was known in the art to measure the pressure in the inlet air duct and the exhaust, and to use the differential pressure to regulate the fuel metering (see col. 4 lines 47-65).
19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Critchley apparatus to include the pressure measurement taught by Maus, in order to use a conventional method of determining the engine performance (see col. 4 lines 47-65).

Response to Arguments

20. Applicant's arguments filed 8/30/10 have been fully considered but they are moot in view of the new grounds of rejection above.
21. Regarding the drawing objection, the examiner agrees that the specification indicates multiple sensors are indicated by the Figures, and the drawing objection is withdrawn.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH SUERETH whose telephone number is

(571)272-9061. The examiner can normally be reached on Mondays through Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah Suereth/
Examiner, Art Unit 3749